

REMARKS/ARGUMENTS

Applicant hereby responds to the Office Action mailed October 5, 2005, but more so responds to the subsequent telephonic interviews between the Examiner and Applicant's representative, Kelly Cunningham, Esq., on December 19 and 22, 2005, as well as the email messages from the Examiner dated December 21 and 22, 2005 and January 5, 2006. In the telephone interviews, the Examiner informed Applicant that Examiner's supervisor intends to reverse the Examiner's earlier allowance in light of Bingham, U.S. Patent No. 6,244,991, as well as possibly other prior art uncovered since the October 5, 2005 Office Action.

Accordingly, Applicant hereby submits the foregoing claim amendments in an effort to streamline the examination process and proceed to allowance as swiftly as possible under the circumstances, including design considerations external to the question of patentability of the original patent claims of this application.

Applicant respectfully submits that neither Bingham nor any of the other cited references disclose or teach a method of exercising a person's abdominal muscles or related muscles. Bingham itself discloses only a support frame from which a child with a physical disability can hang in a body suit so that the child can experience sitting, standing and other movements where he otherwise could not. Turning to claim 26, as amended above, Applicant respectfully submits therefore that the cited references do

not teach a method of exercising a person's abdominals or related muscles comprising lying facing up, gripping handles positioned above the person's head, and repeatedly sliding the handles along the frame front-to-back, side-to-side, diagonal, circular, or semi-circular motion, or a combination thereof to effectuate abdominal crunches or related muscular exercises, all of which are recited in claim 26, as amended. Applicant therefore requests reconsideration of the prospective rejection of claim 26, especially in light of the foregoing amendments to the claim.

By this amendment, Applicant also cancels claims 1 through 25 and 29 without prejudice to any pending or future application, and solely to expedite allowance of the remaining claims. Claim 26 is hereby amended solely to place it in condition for immediate allowance without prejudice to any future or pending application covering the same or similar subject matter. Claims 26 through 28 therefore remain in this application. No new matter has been added to this application by way of any of the foregoing amendments.

Having responded to each of the Examiner's concerns, Applicant asserts that the application is now in condition for allowance and solicits such action. If a telephone interview will advance the allowance of the application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicant requests the Examiner contact Applicant's representative at the number listed below.

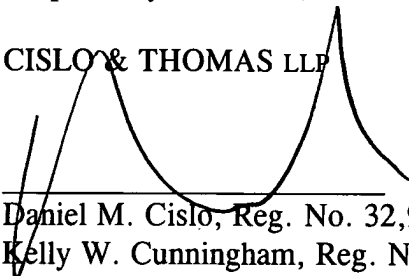
Application No. 10/090,079
Amendment dated January 5, 2006
Response to Office Action of October 5, 2005
Attorney Docket No. 01-10053

It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicant's attorney's deposit account no. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: January 5, 2006



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